

1 Michael A. Strauss (State Bar No. 246718)
mike@strausslawyers.com
2 Aris E. Karakalos (State Bar No. 240802)
aris@strausslawyers.com
3 Andrew C. Ellison (State Bar No. 283884)
andrew@strausslawyers.com
4 **STRAUSS & STRAUSS, APC**
121 N. Fir St., Suite F
5 Ventura, California 93001
Telephone: (805) 641.6600
6 Facsimile: (805) 641.6607

7 Attorneys for Plaintiff Edgar Orozco and the
Putative Class

8
9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 EDGAR OROZCO, an individual,
for himself and those similarly
12 situated,

13 Plaintiff,

14 v.

15 ARDENT COMPANIES, INC.,
a Louisiana corporation;
16 and DOES 1 through 100, inclusive,

17 Defendants.

Case No. CV 18-2763-GW-SSx

PUTATIVE CLASS ACTION

**ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

HEARING:

Date: Thursday, Sept. 12, 2019

Time: 8:30 a.m.

Place: Courtroom 9D, 9th Floor
350 West 1st Street
Los Angeles, CA 90012

21 Having come before the Honorable George H. Wu of the United States District
22 Court for the Central District of California, the Court, having carefully considered the
23 Joint Stipulation of Class Action Settlement and Release entered into between Plaintiff
24 Edgar Orozco, Class Representative for the Putative Class in this matter, on the one
25 hand, and Defendant Ardent Companies, Inc. ("ARDENT"), on the other hand, and
26 their respective counsel of record, the briefs, arguments of counsel, and all other matters
27 presented to the Court and good cause appearing, hereby GRANTS Plaintiff's Motion
28

1 for Preliminary Approval of Class Action Settlement, and HEREBY ORDERS THE
2 FOLLOWING:

3 **ORDERS**

4 1. The Court adopted its tentative ruling and issued a minute order granting
5 Plaintiff's Motion for Preliminary Approval of Class Action Settlement, CM/ECF
6 Document number 71, and, for the reasons stated therein, the Court:

7 a. Grants preliminary approval of the proposed Settlement Agreement
8 executed by the parties on January 18, 2019 ("Settlement"), attached as Exhibit A to the
9 Declaration of Aris E. Karakalos filed in support of Plaintiff's Motion for Preliminary
10 Approval of Class Action Settlement (CM/ECF Docket No. 31-2), upon the terms and
11 conditions set forth in said Settlement;

12 b. Preliminarily finds that the terms of the proposed Settlement are fair,
13 adequate and reasonable, and that they comply with Rule 23(e) of the Federal Rules of
14 Civil Procedure ("FRCP");

15 c. Adopts and incorporates by this reference the recitals, terms and
16 conditions of the Settlement;

17 d. Orders that the following class is certified for settlement purposes
18 only: "All current and former hourly employees of Defendant Ardent Companies, Inc.,
19 who, at any time from February 23, 2014 through the date of preliminary approval
20 ("Class Period"), worked on oil platforms off the California coast on the Outer
21 Continental Shelf (consisting of submerged lands, subsoil, and seabed more than three
22 nautical miles off the mainland) for periods of 24 hours or more, stayed offshore
23 overnight, and whose offshore shifts or hitches began from and ended on California
24 soil." (This defined class is referred to herein as the "Certified Class.") The Certified
25 Class meets the certification requirements of Federal Rule of Civil Procedure 23(a)-(b);

26 e. Appoints the law firm of Strauss & Strauss, APC as Class Counsel
27 and Plaintiff Edgar Orozco as Class Representative;

28 f. Preliminarily finds that the Settlement is the product of serious,

1 informed, non-collusive negotiations conducted at arm's-length by the Parties. In
2 making these preliminary findings, the Court considered, among other factors, the
3 potential damages claimed in the lawsuit on behalf of Plaintiffs and members of the
4 Certified Class, ARDENT's potential liability, the risks of continued litigation
5 including trial outcome, delay and potential appeals, the substantial benefits available
6 to the Certified Class as a result of the Settlement, the Parties' participation in mediation
7 with an experienced class action mediator, and the fact that the proposed Settlement
8 represents a compromise of the Parties' respective positions rather than the result of a
9 finding of liability at trial. The Court further preliminarily finds that the terms of the
10 Settlement have no obvious deficiencies and do not improperly grant preferential
11 treatment to any individual member of the Certified Class;

12 g. Approves the proposed manner of the notice of Settlement set forth
13 in the Agreement. The Court also approves the size, contents and form of the Notice of
14 Proposed Class Action Settlement ("Notice Packet") attached to the Settlement
15 collectively as Exhibits B, C and D;

16 h. Finds that the proposed manner of the notice of Settlement set forth
17 in the Agreement (and the Notice Packet referenced therein and which the Court
18 approves of, as set forth in paragraph 5, above) constitutes the best notice practicable
19 under the circumstances and is in full compliance with the United States Constitution
20 and the requirements of due process. The Court further finds that the notice fully and
21 accurately informs the Certified Class of all material elements of the lawsuit and
22 proposed class action Settlement, and each Certified Class Member's right and
23 opportunity to object to the proposed class action Settlement and be heard at the final
24 approval (fairness) hearing;

25 i. Finds that the proposed plan for mailing the Notice of Proposed
26 Class Action Settlement and Claim Form by first-class mail to the Certified Class
27 Members' last-known address is an appropriate method, reasonably designed to reach
28 all individuals who would be bound by the Settlement. There is no alternative method

1 of sending the Notice to the Certified Class that would be more practicable, and any
2 more reasonably likely to notify the Class Members. The proposed Notice of Proposed
3 Class Action Settlement and the notice plan set forth in the Settlement are the best
4 practicable notice under the facts and circumstances of this case;

5 j. Orders the Parties to carry out the Settlement according to its terms;

6 k. Appoints CPT Group, Inc. (“CPT”) as the Claims Administrator.
7 Promptly following entry of this order, CPT will prepare a final version of the Notice
8 of Proposed Class Action Settlement and Claim Form, incorporating into it the relevant
9 dates and deadlines set forth in this Order and the Settlement and will commence the
10 notice process in accordance with the scheduling order set forth below;

11 l. Sets the deadlines for filing objections to the Settlement as no later
12 than 20 calendar days before the final approval (i.e. “final fairness”) hearing;

13 m. Orders that a Certified Class Member who does not timely file an
14 objection in the manner and by the deadline specified above, absent good cause or good
15 explanation, may be deemed to have waived all objections and may be foreclosed from
16 making any objections to the Settlement, whether by appeal or otherwise;

17 n. Orders that any Class Member who wishes to opt-out of the
18 settlement shall submit an opt-out document to the Claims Administrator within forty-
19 five (45) calendar days after the date that CPT first mails the Class Notice (“Opt-Out
20 Deadline”);

21 o. Orders that any Class Member who opts out of the case cannot
22 object to the Settlement;

23 p. Orders that Class Counsel’s motion for an award of attorney’s fees
24 and costs and the Class Representatives’ motion for a service enhancement shall be filed
25 no later than forty (40) calendar days before the final fairness hearing;

26 q. Orders that the Court will hold a final fairness hearing on Monday,
27 February 3, 2020, at 8:30 a.m. in Courtroom 9D, at the United States Courthouse, 9th
28 Floor, 350 West 1st Street, Los Angeles, California 90012, to consider the fairness,

1 reasonableness and adequacy of the proposed Settlement as well as the award of
2 attorney's fees and costs to Class Counsel and Service Award to the Class
3 Representatives. The Court reserves the right to adjourn or continue the final fairness
4 hearing without further notice to the Settlement Class members.

5 **IT IS SO ORDERED.**

6
7
8 Dated: September 18, 2019



9
10 Hon. George H. Wu
United States District Judge